

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

WILLIAM SIM SPENCER,

Plaintiff,

v

BILL SCHUETTE, KRISTE KIBBEY
ETUE, ROBERT COONEY, KENNETH
SMITH and SARA SWANSON,

Defendants.

HON. PAUL L. MALONEY
U.S. DISTRICT COURT JUDGE

FILE NO. 1:18-cv-00229-PLM-RSK

**DEFENDANT SWANSON'S RESPONSE
IN OPPOSITION TO PLAINTIFF'S
MOTION TO EXTEND TIME TO
SUBMIT NAMES OF EXPERT
WITNESSES (ECF 51)**

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**DEFENDANT SWANSON'S RESPONSE IN OPPOSITION TO PLAINTIFF'S
MOTION TO EXTEND TIME TO SUBMIT NAMES OF EXPERT WITNESSES (ECF 51)**

Plaintiff has filed the above Motion seeking additional time to name expert witnesses. Specifically, plaintiff alleges that on September 7, 2018, he learned through his friend Timothy McClelland (a registered sex offender) that an audio recording submitted by Defendant Smith during a quashed criminal proceeding at the Benzie County Circuit Court may have been edited before it was disclosed in order to conceal information about the plaintiff's arrest. Plaintiff believes that this new information entitles him to additional time to name expert witnesses. Plaintiff is incorrect.

First, the evidence submitted by plaintiff in the form of the Affidavit of Timothy Wayne McClelland is insufficient. The form of the Affidavit is improper as it fails to set forth in separate numbered paragraphs factual statements. This Affidavit must be stricken from these proceedings.

Second, adding an audio editing expert would not assist plaintiff's claims in any respect as probable cause to arrest plaintiff clearly existed based on his own admission that he chose not to comply with SORA because he did not believe he needed to.

In light of the above, Defendant Sara Swanson, respectfully requests that this Honorable Court deny Plaintiff's Motion to Extend Time to Submit Names of Expert Witnesses.

Dated: September 25, 2018

CUMMINGS, McCLOREY, DAVIS
& ACHO, P.L.C.

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PROOF OF SERVICE

Defendants.

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PROOF OF SERVICE

Laurie Robbins, being duly sworn, deposes and says that she served a copy of **DEFENDANT SWANSON'S RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION TO EXTEND TIME TO SUBMIT NAMES OF EXPERT WITNESSES (ECF 51)** and **PROOF OF SERVICE**, on **September 25, 2018**, by the following methods:

VIA FIRST CLASS MAIL TO:

William Sim Spencer, *Pro Per*
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VIA ECF FILING ONLY TO:

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Clerk of the Court
U.S. WESTERN DISTRICT COURT



Laurie Robbins